

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF <enter County>**

Date:
Judicial Officer:
Deputy Clerk:

In the matter of: _____ No. _____

PRELIMINARY PROTECTIVE HEARING

Parties Present:

<enter Party>

<enter Party>

This is the time set for the **PRELIMINARY PROTECTIVE HEARING** on a dependency petition filed <Date of petition filing>.

Open Proceedings:

The Court advises the parties that the proceeding is presumptively open to the public.

- ☐ The Court determines that the proceeding is to remain open to the public and admonishes attendees that they shall not disclose identifying information (which includes posting anything on social media or the internet) about the child, siblings, parents, guardians or caregivers, or other persons identified in the proceeding. The Court explains contempt of court to all attendees and possible consequences of violating a court order.
- ☐ The Court orders that the proceeding be closed based on the following:
<enter reason(s) that proceeding should be closed>.

ICWA: The Court finds that, based upon the assertions of the parties, the Indian Child Welfare Act, [25 USC §1901](#) <does/does not> apply.

Service: The Court determines that service <enter whether service complete> as to <Name of applicable parent/guardian>, <enter parent> of <Applicable child>.

- ☐ The Court finds that parent had notice of the hearing and that the notice advised of their rights and the consequences of not appearing at this hearing.
- ☐ The State of Arizona, by and through the Arizona Department of Child Safety, is authorized to initiate this dependency proceeding pursuant to Title 8 ARS

- ☐ The Court has exclusive original jurisdiction over the subject matter pursuant to [ARS §8-202](#), and venue is appropriate in <enter county> County pursuant to [ARS §8-206](#).
- ☐ The Court has jurisdiction over the <enter parent> and finds that service of process is complete as to the <enter parent> pursuant to [ARS §8-841](#) and [Az.R.Juv.Ct.48](#).
- ☐ The Court orders the <Petitioner/ DCS> to effectuate service by publication because the party cannot be reasonably located.

Attorney/GAL Meeting with the Child, Notification and Right to be Heard:

- ☐ The Court determines that the attorney/GAL for the child met with the child before the preliminary protective hearing.

OR

- ☐ The Court determines that the counsel/GAL for the child did not meet with the child before the preliminary protective hearing. It is therefore, ordered the meeting shall occur within fourteen days of the preliminary protective hearing and that the attorney/GAL shall advise the child of their rights. ARS §8-221(J), Az.R.Juv.Ct.40.1

OR

- ☐ The Court finds that extraordinary circumstances exist and modifies the duty of counsel/GAL to meet with the child as follows:

- ☐ The Court determines that the child has been informed of and understands his/her right to attend their Court hearings and speak to the judge.
- ☐ The Court determines that the attorney for the parent communicated with their client before the Preliminary Protective Hearing.
- ☐ The Court determines that the <foster parents, shelter care facility, receiving foster home, pre adoptive parents, or members of the child's extended family with whom the child has been placed> <was or was not> <were or were not> notified of this hearing.
- ☐ The Court informs the <foster parents, shelter care facility, receiving foster home, pre-adoptive parents, or members of the child's extended family

with whom the child has been placed> and/or <a relative identified as a possible placement for the child> of the right to be heard in any proceeding to be held with respect to the child.

Counsel: Appointment of counsel is made/affirmed at this time for the following:

<Applicable counsel>, <Select counsel type>;
<Applicable counsel>, <Select counsel type>;
<Applicable counsel>, <Select minor's counsel type>.

The <enter parent> is to pay <Amount assessed per month> per month for the cost of counsel.

The <enter parent> is to pay <Amount assessed per month> per month for the cost of counsel.

The Court advises the parents that appointment is for one year and that new financial information will be required prior to reappointment after that time.

The Court confirms that the <enter parent> has/have met with their counsel and have been advised of their trial rights pursuant to [ARS §8-843\(B\)](#) and [ARS §8-824\(D\)](#).

☐ Pursuant to DCS agreement with the dependency petition, the Court orders that DCS be substituted as the petitioner in this matter.

Documents Reviewed: The Court has received and reviewed the following documents:
<enter names of specific documents. Include substantiated findings of abuse and neglect from another state>.

☐ The Court determines that DCS <has/has not> filed an initial case plan pursuant to [ARS §8-824](#).

Paternity: Paternity for <enter child's name> <enter whether est.> by <enter how est.>.

☐ The Court, therefore, orders <parent's name> to <enter how paternity is to be established> so as to establish paternity in this matter.

Prehearing Conference: The Court <has/has not> received a report from the facilitator regarding the agreements reached at the Prehearing Conference.

Placement and Custody: The <enter parent> has <waived/requested> the Review of Temporary Custody hearing.

☐ Continued temporary custody <is/is not> clearly necessary to prevent abuse or neglect.

- ☐ Continuation of <child's name(s)> in the home would be contrary to <his/her/their> welfare and placement would be in <his/her/their> best interests. This finding is based on the following <insert factual basis>:
- ☐ The Court orders that the child remain ward(s) of the Court in the legal care, custody and control of the Arizona Department of Child Safety.
- ☐ The Court affirms placement as set forth in its placement orders.
- ☐ The Court determines that DCS is making reasonable efforts to place the child with the child's siblings.
- ☐ The Court affirms that the child and siblings are/are not placed together.
 - ☐ The DCS report to the Court identifies specific reasons why the siblings are not placed together; efforts made to facilitate contact between siblings; and a plan for frequent visitation or contact between siblings. **OR**
 - ☐ The Court finds that frequent visitation or contact between siblings is contrary to the sibling's safety or well-being.
- ☐ The Court affirms that DCS is attempting to identify and assess placement of the child with the child's grandparent, siblings, or another member of the child's extended family, including a person who has a significant relationship with the child.
- ☐ The child was placed pursuant to the ICWA placement preferences. [25 USC §1915](#)
- ☐ There was good cause to deviate from the requirement to place the child pursuant to the ICWA placement preferences including <enter factor(s) considered in making this determination>.
- ☐ The Court orders the parent or guardian to provide the names, types of relationships, and all of the available information necessary to locate persons related to the child who have a significant relationship with the child, including any absent parent. The parent or guardian further is ordered to inform DCS of Child Safety immediately if the parent or guardian becomes aware of new information relating to the existence or location of a relative or person with a significant relationship with the child.
- ☐ The Court orders the parties to inform the Court if they obtain information that the child is an Indian child as defined by the ICWA.

Visitation: It is ordered that visitation with the parents and siblings shall be as follows: <enter specific visitation agreements. If agreements are detailed in separate order, note that this is attached to this minute entry>.

- ☐ Frequent visitation and/or ongoing contact between the siblings shall be arranged by DCS as the siblings are not currently placed together.
- ☐ The Court determines that visitation and/or contact between the siblings is contrary to the safety or well-being of the child.

Services: The Court finds that the services proposed <are/are not> appropriate, necessary, and reasonable to facilitate <enter permanency plan>.

- ☐ The Court orders DCS to provide reunification services.
- ☐ The Court orders the parties to participate in the proposed services.
- ☐ As DCS is now substituting as the petitioner, the Court orders DCS to prepare a case plan consistent with the services proposed in this hearing.
- ☐ DCS is not required to provide reunification services pursuant to [ARS §8-846](#).
- ☐ DCS has/has not made arrangements for the assembly of the medical records of the child, a medical assessment of the child, the implementation of referrals and communication of recommendations and results as provided by law.

Plea: The <enter parent> enters a plea of <enter plea> to the allegations contained in the <motion/petition>.

- ☐ The Court advises the <enter parent> of <his/her/their> rights and determines <his/her/their> understanding of these rights.
- ☐ The Court advises the <enter parent> that a Permanency Hearing will be held within one year from the child's removal from their care, or within six months if the child is under three years of age. The Permanency Hearing can be expedited if requested by a party or ordered by the Court. If significant progress toward the case plan of reunification has not occurred by the Permanency Hearing, the case plan goal will be changed.
- ☐ The Court determines that the plea of <enter plea> made by <enter parent> <was/was not> made knowingly, intelligently and voluntarily.
- ☐ The Court continues the child as temporary wards pending adjudication.

Adjudication: The Court, having considered the verified petition/amended petition dated <Date petition filed>, the reports filed and admitted into evidence, and the plea of <enter plea> of the <enter parent>, finds by <enter burden of proof> that:

The child, <Applicable child>, <is/are> dependent <If not as to all parties, state the name(s) and relationship(s) of specific party> as defined by [ARS §8-201](#).

The Court, therefore, orders that <Applicable child> be made a ward(s) of the Court as a dependent child as to <Applicable parent> and placed in the care, custody and control of the Arizona Department of Child Safety.

Disposition: The Court finds, after consideration of the health and safety of the child, the goal of the placement, and the services offered to the family and the child, that the goal of <enter permanency plan> is appropriate at this time.

- ☐ The Court finds that it is contrary to the child's best interests to remain in the home based on the following: <ENTER FACTUAL BASIS>.

Reasonable Efforts: The Court finds that <enter reasonable effort finding> to prevent the removal of <Insert the name of the child> from the home and this finding is based upon the following facts: <Insert the factual basis for the reasonable efforts finding>.

Pursuant to ICWA standards:

- ☐ The Court, pursuant to [25 USC §1912](#), is satisfied that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts were unsuccessful. The Court further finds by clear and convincing evidence, including testimony from a qualified expert witness that continued custody of the child by the parent or custodian is likely to result in serious emotional or physical damage to the child.
- ☐ The Court, pursuant to 25 USC §1922, finds that the Indian child's emergency removal and placement is necessary to prevent imminent physical damage or harm. <enter basis for emergency finding>

Additional orders: <GAL, CASA appointment, Protective Orders, Support, etc.>

Future Hearings: The Court sets/affirms the following hearings:

- ☐ <enter hearing type> as to <enter parent> is set for <enter date, time and location of this hearing>.
- ☐ **The Court vacates** the <enter hearing type> set for <enter date, time and location of this hearing>.

Admonitions:

- ☐ The Court orders that <enter the names of all applicable parties, counsel and professionals who should be attending mediation> attend Mediation set for <enter date, time and location of mediation>.

- ☐ The Court admonishes the <enter parent> that:
- i. Failure to attend future hearings without good cause shown may result in a finding that they have waived their legal rights and are deemed to have admitted the allegation(s) in the petition.
 - ii. The hearing may go forward in their absence and may result in a finding of dependency, and the Court could make permanent orders by motion.
 - iii. Failure to appear in court or to participate in reunification services may result in the termination of their parental rights or the establishment of a permanent guardianship.
- ☐ The Court read to and provided the parent, guardian or custodian with a copy of Form 1, requests that the parent, guardian or custodian sign and return a copy of the form, and notes on the record that the form was provided.
- ☐ If the child <is / are> under three years of age, the Court admonishes the <applicable parent> that the Court will review within six months after the child's removal whether the <applicable parent> substantially neglected or willfully refused to remedy the circumstances that caused the child to be in an out-of-home placement, including refusal to participate in reunification service. The Court further admonishes the <applicable parent> that substantially neglecting or willfully refusing to remedy the circumstances that caused the child to be in an out-of-home placement is grounds for termination of parental rights to the child.
- ☐ The Court finds that the parent, guardian, or Indian custodian was advised of the consequences of their failure to attend future hearings or participate in reunification services.
- ☐ The Court orders notification to the foster parents, shelter care facility, receiving foster home, pre-adoptive parents or members of the child's extended family with whom the child has been placed be effectuated by DCS of Child Safety (if DCS is not a party, designate a person to give notice and manner by which notice is to be given).

Dated: _____

<Judge/Commissioner/Hearing Officer> of the Superior Court